

**REMARKS*****Summary of the Amendment***

Upon entry of the above amendment, claims 1 – 3, 5, 7, 11, 12, 14, 15, 22, 25, 27, 30, 34, 37, and 38 will have been amended and claims 17, 19, 20, and 39 – 46 will have been canceled without prejudice or disclaimer. Accordingly, claims 1 – 16, 18, and 21 – 38 currently remain pending. However, as pending claims 2 and 38, directed to the non-elected invention, and claims 16, 23 – 33 and 35 – 37, directed to the non-elected species, have been withdrawn from consideration, only claims 1, 3 – 15, 17 – 20, 22, and 34 are currently under consideration by the Examiner. Moreover, Applicant expressly reserves the right to refile the subject matter of the canceled claims in one or more continuing applications.

***Summary of the Official Action***

In the instant Office Action, the Examiner has indicated the allowance of independent claim 21 and has rejected 1, 3 – 15, 17 – 20, 22, and 34 over the art of record. By the present amendment and remarks, Applicant submits the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

***Acknowledgment of Allowable Subject Matter***

Applicant gratefully acknowledges and agrees with the Examiner's indication of allowability of claim 21.

***Amendment is Proper for Entry***

By this amendment, the claims currently under consideration by the Examiner have been amended to depend from allowed independent claim 21. As entry of this

amendment does not raise any question of new matter nor any new issues requiring further search or consideration by the Examiner, entry of the instant amendment is proper.

Further, as noted by the Examiner in the May 11, 2006 Restriction Requirement, "upon allowance of a generic claim, *applicant will be entitled to consideration* of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. 1.141." [emphasis added]. As the withdrawn claims have now been amended so as to depend from allowable generic claim 21, Applicant is now entitled to consideration of claims 16, 23 – 33, and 35 – 37. Thus, entry of the amendments to currently withdrawn claims 22, 25, 27, 30, and 37 are proper under U.S. Patent and Trademark Office rules.

Still further, while claims 2 and 38 were originally identified by the Examiner as a separate invention, and thus withdrawn from consideration, by the present amendment, these claims have been amended to depend from independent and allowed claim 21. As these claims have been amended to properly depend from an allowable claim, Applicant submits claims 2 and 38 are likewise allowable, such that entry and allowance of this amended is proper.

As entry of the instant amendment has been shown above to be proper, entry of the instant amendment is respectfully requested.

***Request for Rejoinder of Withdrawn Claims***

As discussed above, as independent claim 21 has been allowed by the Examiner, and as this claim is likewise generic to each identified species, Applicant requests the Examiner rejoin withdrawn claims 16, 23 – 33 and 35 – 37, directed to the

non-elected species, consider the merits of the same, and indicate their allowability in the next official action.

As Species A – J identified by the Examiner in the restriction requirement are directed to specific vibration absorber arrangements depicted in Figures 2 – 10 of the instant application, and allowed independent claim 21 recites a generic vibration absorber, withdrawn claims 16, 23 – 33 and 35 – 37, which have been amended to depend from allowable subject matter in claim 21, should be rejoined and considered in accordance with 37 C.F.R. 1.141. Therefore, rejoinder of claims 16, 23 – 33, and 35 – 37 directed to the withdrawn species is proper and respectfully requested.

Moreover, as claims 2 and 38, directed to the non-elected invention, depends from allowable claim 1, Applicant submits these claims should likewise be rejoined, considered on their merits, and indicated as allowable in the next action. That is, claims 2 and 38 have been amended to properly depend from allowable independent claim 21, which likewise renders claims 2 and 38 allowable. Therefore, rejoinder of claims 2 and 38 is appropriate and respectfully requested.

Accordingly, Applicant rejoinder, consideration and allowance of currently withdrawn claims 2, 16, 23 – 33, and 35 – 38 is respectfully requested.

***Rejections Over Art of Record are Moot***

While Applicant does not acquiesce the claims, as presented prior to the instant response, were unpatentable under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) over any currently applied art of record, either singly or in any proper combination, in an effort to advance prosecution, Applicant has amended the pending claims to depend from allowable claim 21. However, Applicant expressly reserves the right to refile the subject

matter of any canceled claims in one or more divisional applications and/or to refile the subject matter recited in the claims prior to this response in one or more continuation applications.

Further, with regard to the claims as currently pending, claims 1, 3 – 9, 11 – 15, 18, 22, and 34 are allowable at least for the reason they dependent from an allowable base claim and because these claims recited additional features to further define the invention. Likewise, rejoined claims 2, 16, 23 – 33, and 35 – 38 are allowable at least for the reason they dependent from an allowable base claim and because these claims recited additional features to further define the invention.

As all pending claims, including the properly rejoined claims, are allowable over the art of record, an indication of allowance of claims 1 – 9, 11 – 16, 18, and 21 – 38 by the Examiner is requested in the next official communication to the undersigned.

#### ***Application is Allowable***

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

#### ***Authorization to Charge Deposit Account***

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

#### **CONCLUSION**

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 – 9 and 11 – 38.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,  
Dr.-Ing. Rolf van HAAG



Neil F. Greenblum  
Reg. No. 28,394

Robert W. Mueller  
Reg. No. 35,043

March 30, 2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191